

03-CV-01261-VRDCT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PACIFIC MARKET, INC., a Washington
corporation, and PACIFIC MARKET
INTERNATIONAL, L.L.C., a Washington
limited liability company, collectively d/b/a
PACIFIC MARKET INTERNATIONAL,

Plaintiffs,

v.

THERMOS L.L.C., a Delaware limited
liability company,

Defendant.

NO. C03-1261JLR

VERDICT

We, the jury, enter the following verdicts in the case of Pacific Market, Inc. v.
Thermos L.L.C.:

1. Did PMI prove all of the elements of a trade dress infringement claim?

YES _____ NO X

If the answer to question number 1 is "YES," proceed to question number 2 and
answer questions 2 though 6. If the answer to question number 1 is "NO," leave questions 2
through 6 blank.

VERDICT - 1

2. What is the amount of PMI's damages caused by Thermos' trade dress infringement?

Lost profits from lost sales: \$ _____

Lost profits from price erosion: \$ _____

Past corrective advertising: \$ _____

Future corrective advertising: \$ _____

Total: \$ _____

3. Did Thermos obtain profits from sales of its Work Series bottle, and if so what is the amount of those profits after deducting (1) Thermos' sales of the Work Series bottle that are attributable to factors other than its infringing trade dress features; and (2) Thermos' expenses?

YES _____ Amount: \$ _____

NO _____

4. Because you found that Thermos engaged in trade dress infringement, you may award PMI either the amount of its lost profits caused by the trade dress infringement (Option 1) or the amount of Thermos's profits from sales of infringing products (Option 2), but not both. Select one of the options below by placing an "X" or check mark in the applicable space.

Option 1: We award PMI the amount of its lost profits caused by Thermos' trade dress infringement: _____

— or —

Option 2: We award PMI the amount of Thermos's

profits obtained from sales of infringing products: _____

1
2 5. Did Thermos intentionally use the Stanley Trade Dress knowing it was an
3 infringement?

4 YES _____ NO _____

5
6 6. Did PMI prove all of the elements of a Washington Consumer Protection Act
7 claim?

8 YES _____ NO _____

9
10 Dated this 30th day of March, 2005.

11
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13 Marcy Wood
14 PRESIDING JUROR
15 Marcy Wood
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VERDICT - 3